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Filed : 4/10/2000

31 56. (Amended) The method of Claim 55, wherein said portable indicium comprises an information storage device embodied in the form of a toy carried or worn by said one or more play participants, said information storage device being configured [to communicate] for two-way communication with said reader or read/write device.

57. The method of Claim 52, wherein said portable indicium comprises an RFID card or tag.

58. The method of Claim 52, further comprising the step of displaying said information representing said first set of goals, points or levels on a score board.

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#### REMARKS

Applicant gratefully acknowledges the removal of the prior art rejections based on Tillery et al (US 5,114,155). Applicant respectfully requests the Examiner to reexamine and reconsider this application, as amended. Claims 33-58 have been amended to more clearly and definitely claim the subject matter which Applicant regards as the invention. Each of the Examiner's objections is addressed below:

#### **Claim Rejections - 35 U.S.C. § 102(e)**

The Examiner rejected Claims 33-36, 38-40, 42-48, 50 and 52-57 under 35 U.S.C. § 102(e) as being anticipated by Gabai et al (US 6,352,478). Applicant respectfully traverses this rejection and the Examiner's characterization of the applied reference.

First, Applicant does not believe that Gabai is prior art to Applicant's claimed invention based on Applicant's earlier invention date. But, even assuming it is, Applicant respectfully submits that it does not anticipate the claimed invention, as amended.

Gabai discloses an amusement park apparatus including a first plurality of entertainment providing nodes playing a second plurality of games with a third plurality of players who are simultaneously playing the second plurality of games, a node controller operative to assign each player from among the third plurality of players to an individual game from among the second plurality of games and operative to control each individual node from among the first plurality of nodes such that when the individual node enters into an interaction with an individual player, the node plays, with the individual player, the game assigned to the individual player, and a communication network operative to associate each of the first plurality of nodes with the node controller. In Gabai it is essential to provide a central communication network to provide the necessary information to control each of the first plurality of nodes with the node controller.

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Unlike, Gabai, Applicant's claimed invention, as exemplified by Claims 33, 42 and 52, for example, does not require a central network as game-pertinent information may be stored directly on a portable indicium associated with and uniquely identifying each play participant. In this manner, the entire game experience may advantageously be carried out with or without a central network, including in geographically remote or non-networked locations. Gabai does not disclose or suggest a portable indicium for storing game-pertinent information, such as game progress, points, levels and the like. Providing portable game information storage is a great advantage of the claimed invention in that it provides a more robust game platform and allows the system to be implemented in a wide variety of different play environments and using a variety of play/entertainment mediums, including both networked and non-networked games/challenges.

**Claim Rejections - 35 U.S.C. § 103(a)**

The Examiner rejected Claims 37, 41, 49, 51 and 58 under 35 U.S.C. § 103(a) as being obvious in view of Gabai et al (US 6,352,478). Applicant respectfully traverses this rejection. Applicant submits that it is the combination of the invention as a whole that must be weighted for patentability, not the individual components thereof. Assuming the Examiner is correct that scoreboards exist and are used generally in the gaming arts does not establish the obviousness of Applicant's claimed invention in the absence of some teaching or suggestion to combine. In this case, the Examiner's suggested motivation of improving ease of viewing or score comparisons is too vague to support an obviousness rejection in this case. Applicant respectfully submits that the recited gaming system in combination with a scoreboard for displaying participant's scores is not an obvious combination. It provides surprising and advantageous synergies in how the game is carried out and generates motivational competitions and more enthusiastic and more challenging and thrilling game play among individuals and groups playing the game.

Similarly, as to Claims 41 and 51, the fact that slides, rope bridges and the like may be known generally in the family play facilities, does not establish the obviousness of the particular claimed combination. In this case, Applicant submits that the combination is not obvious as it provides a new, seamless entertainment experience specifically designed to exercise both the minds and the bodies of play participants. Neither Gabai nor conventional family play facilities such as Chuck E. Cheese's provide or suggest the combination of the recited interactive gaming system with a physical play structure or the combination of the recited interactive play system with interconnecting physical challenges.

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**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests that this application, as amended, is in condition for allowance and such action is earnestly requested. If the Examiner has any questions or suggestions concerning the amended claims or this response she is respectfully urged to contact the undersigned at the number indicated below.

Respectfully submitted,  
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Response - Amendment  
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